

NEW USED OIL MANAGEMENT STANDARDS GUIDELINES FOR DRMS COMPLIANCE

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A. OVERVIEW.

1. The new used oil management standards provide several major changes that will impact the operations of the DRMS used oil program. These changes include:

- a. Limits on the quantity of used oil that a DRMO can receive at one time;
- b. Transporters of more than 55 gallons of used oil are required to have an EPA identification number;
- c. New restrictions on storage times; and,
- d. New requirements for the storage of used oil.

2. The new management standards as provided in 40 CFR part 279 are divided into Subparts A through I (40 CFR Part 279.1-279.82). The subparts include standards for generators, collections centers and aggregate points, transportation and transfer facilities, processor and re-refiners, and marketers.

B. SUMMARY.

1. DRMOs that receive all of their used oil in place should follow the procedures in paragraph D1.

2. DRMOs that receive custody of used oil generated by host and non-host installation activities are considered used oil collection centers and must comply with the procedures in paragraphs D2 and D3a.

3. DRMOs that receive custody of used oil generated by host installation activities only are considered used oil aggregate points and must comply with the procedures in paragraphs D2 and D3b.

4. Any DRMO that receives used oil in quantities greater than 55 gallons at one time from a used oil generator is considered a used oil transfer facility and must comply with the procedures in paragraph D3c. This requirement does not apply to "On-site" shipments of used oil. Used oil may be transported to on-site DRMOs in any quantity without being subject to the transporter standards in 40 CFR 279.40 and off-site shipment standards in 40 CFR 279.24. This means that DRMOs may receive more than 55 gallons of used oil at one time as long as it was generated on the site in which the DRMO is located.

5. On-site is interpreted by 40 CFR 260.10 as DRMOs located on property owned by the host generator as follows:

a. The property where the DRMO is located is contiguous with host but divided by public or private right-of-way and the entrance and exit between the properties is a cross-roads intersection and access is by crossing as opposed to going along the right-of-way; or,

b. The property where the DRMO is located is non-contiguous but connected by a right-of-way which the owner controls and which is inaccessible to the public.

C. RESTRICTIONS. DRMOs are not authorized to operate as a Processor and Re-refiner as provided in Subpart F of 40 CFR 279.

D. PROCEDURES.

1. **Requirements for DRMOs That Receive Used Oil in Place:** To the extent possible, DRMOs should receive and manage used oil in-place (accept accountability, but not physical custody). Under this practice; there is no quantity limitation that the DRMO may receive at one time and the only new requirement for a DRMO is to ensure that transporters who pick-up and remove used oil have EPA ID numbers. DRMOs should

remind generators who retain custody of their used oil to follow the storage requirements in paragraph D2 below.

2. Requirements for DRMOs That Store Used Oil: All DRMOs that accept custody of used oil must comply with the generator requirements in Subpart C of 40 CFR Part 279. The storage requirements for DRMOs that accept custody of used oil are:

a. **Storage units.** Used oil must be stored in tanks, containers, or any other units that are subject to regulation under 40 CFR, Parts 264 or 265;

b. **Condition of Units.** Containers and above ground tanks used to store used oil must be:

(1) In good condition (no severe rusting, apparent structural defects or deterioration); and,

(2) Not leaking (no visible leaks).

c. **Labels.** Containers and above ground tanks must be labeled or marked clearly with the words "Used Oil". Fill pipes used to transfer used oil into underground tanks must also be labeled or marked clearly with the words "Used Oil".

d. **Releases.** All releases of used oil must be contained, cleaned-up, and all released used oil properly managed. If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

e. **Transporting Used Oil.** Generators who transport used oils except as described in paragraphs D3(c)(1) and (2) are subject to the transporters requirements set forth at 40 CFR Parts 279.40-47.

3. In addition to the generator requirements, DRMOs that accept custody of used oil will also be subject to operation under **one of the following three standards**. DRMOs must determine which standard they fall under and comply with all associated requirements.

a. **Requirements for DRMOs that Operate as a Collection Center:** For purposes of operations at a DRMO, a used oil collection center is any DRMO that accepts/aggregates and stores used oil from a host or non-host generator (see Subpart D of 40 CFR Part 279.31). To operate as a collection center, the following conditions must be met:

(1) The DRMO must comply with the standards for a used oil generator in Subpart C of 40 CFR Part 279 (see D2 above);

(2) As a collection center, used oil generators (generating activities) may transport, without an EPA identification number, used oil that they have generated to a DRMO provided D3a(3), (4), and (5) below are met;

(3) The used oil generator transports used oil in a vehicle owned by the generator or owned by an employee of the generator;

(4) The used oil generator transports no more than 55 gallons of used oil at one time (except for on-site shipments; no limits in quantity for on-site shipments); and,

(5) The DRMO must be registered/licensed/permitted or recognized by a state/county/or municipal government to manage used oil. (Check/coordinate with host installation on notifying requirements and procedures).

b. **Requirements for DRMOs that Operate as an Aggregate Point:** For purposes of operations at a DRMO, a used oil aggregate point is any DRMO that accepts, aggregates and or stores used oil collected only from its host installation (see Subpart D of 40 CFR Part 279.32) provided that:

(1) The DRMO complies with the standards for a used oil generator in Subpart C of 40 CFR Part 279 (see D2 above);

(2) As an aggregate point, host installation used oil generators (generating activities) may transport, without an EPA identification number,

used oil they have generated to a DRMO provided D3b(3) and (4), below are met;

(3) The used oil generator transports the used oil in a vehicle owned by the generator or by an employee of the generator;

(4) The used oil generator may transport more than 55 gallons of used oil, at one time, to an on-site storage facility.

c. Requirements for DRMOs that Operate as a Transportation/Transfer Facility: DRMOs that accept custody of used oil in quantities greater than 55 gallons, at one time, from a used oil generator (other than on-site generator), must operate as a used oil transfer facility. For purposes of operation at a DRMO, a used oil transportation/transfer facility is any DRMO that collects and stores used oil from more than one generator, and where shipments of used oil are held for more than 24 hours during the course of transportation. Except for the on-site transport of used oil, this is the only standard in which DRMOs are allowed to accept used oil in quantities greater than 55 gallons at one time (see Subpart E of 40 CFR Part 279.40-.47). Under this standard the following conditions must be met:

(1) DRMOs may accept host/non-host used oil;

(2) Used oil generators may transport more than 55 gallons of used oil at one time;

(3) If the host installation has not previously complied with the notification requirements in RCRA section 3010 and the DRMO has not been given an EPA identification number, the DRMO must coordinate the notification requirements with your host installation.

(4) The transporter turning-in used oil in quantities of more than 55 gallons must have an EPA identification number;

(5) The DRMO cannot store used oil for periods longer than 35 days.

NOTE: A transfer facility that stores used oil for more than 35 days is subject to the more

stringent management standards of Subpart F of 40 CFR 279.

(6) As a transfer facility, a DRMO must also comply with the following management standards as provided in 40 CFR 279.45:

- **Storage Units.** Used oil must be stored in tanks, containers, or any other units that are subject to regulation under 40 CFR, Parts 264 or 265.

- **Condition of Units.** Containers and above ground tanks used to store used oil must be in good condition (no severe rusting, structural defects, or deterioration) and not leaking.

- **Secondary Containment for Containers, Existing Above Ground Tanks and New Above Ground Tanks.** All containers and above ground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system. Secondary containment consists of dikes, berms, or retaining walls, and a floor that covers the entire area within the dikes, berms, or retaining walls. The entire containment system must be impervious to used oil. Existing above ground tanks are exempted from the floor requirement under the existing portion of the tank.

- **Labels.** Containers and above ground tanks used to store used oil at transfer facilities must be clearly labeled with the words “**Used Oil**”. Fill pipes used to transfer used oil into underground tanks must also be labeled or marked clearly with the words “**Used Oil**”.

- **Releases.** Upon the detection of a release of used oil, the DRMO must stop the release, contain the released oil, clean-up and properly manage the released used oil. If necessary, repair, replace any used oil storage containers prior to returning them to service.

- **Tracking (40 CFR 279.46).** DRMOs that operate as used oil transfer facilities must keep a record of each shipment of used oil received and removed. This information must include: the name, address, and EPA ID number of each generator, transporter or processor/refiner,

the quantity accepted or shipped, and the dates received and shipped.

- **Management of Residues (40 CFR 279.47).** DRMOs that operate as a transfer facility are responsible for managing any residues generated from the storage of used oil in accordance with existing RCRA requirements.

4. A DRMO that falls under the management standards of more than one subpart must comply with each standard as applicable. For example, a DRMO may operate as a collection center for most of the year, then receive a shipment of more than 55 gallons of used oil at one time, that DRMO must now comply with management standards for a transfer facility as discussed above. DRMS-NF must be notified accordingly. Notification must be in a timely manner.

E. COMPLIANCE. The DRMO Chief must ensure his/her used oil program is carried out in full compliance with the management standards for a collection center, aggregate point, or transfer facility, if used oil is not received in-place or being sent to a disposal facility.

F. POINT OF CONTACT. Should you have any questions, please contact DRMS-LHP, (DSN) 932-5922/5912 or (616) 961-5922/5912.